

LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT
DOCKET NO. 9-2-99 BE

PETITION FOR RECONSIDERATION OF
ORDER ENTERED JULY 15, 2014

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Come Omer Razic and Nihada Razic, by Counsel, and hereby move Louisville Metro Planning Commission to reconsider its decision dated July 15, 2014. In support of this Petition, the Petitioners state as follows:

1. They never received notice of the hearing of July 15, 2014, and, therefore, did not attend this hearing. Had they known of the hearing they would have attended and would have testified as follows:

i. Omer and Nihada Razic are not from the United States, they are from Bosnia. Omer moved from Bosnia to Louisville in February, 1998. Omer Razic started his own business known as Cobra Motors, LLC, a used car business located at 4002 Farmview Avenue, Louisville, Kentucky. He has lived in Louisville 16 years. Nihada Razic moved to Louisville in 1998. She is employed at JP Morgan Chase. They were married on September 29, 1999, and live at 3509 Huon Drive, Louisville, Kentucky 40218. They have two children.

ii. As part of Omer's business, he sought to find a location where he could repair the vehicles which he purchased prior to sale. As such, in December, 2012, they purchased the property at 4708 Shepherdsville Road, Louisville, Kentucky. The property was in horrible condition as the time of the purchase. Shrubs had overgrown the lot and debris was everywhere. They found motors and parts on the ground hidden by the grass, weeds, shrubs and debris. Omer hired six people to come in to do the clean up. They were there one week, having to bring in a 26 foot dumpster

to place the debris in so it could be taken away. They were unaware at that time that there were Binding Elements to their property. All they knew was that it was zoned for automobile repair and storage. This was the reason that they purchased the property. As Omer would purchase vehicles in need of repair, take them to the property at 4708 Shepherdsville Road, determine what needed to be done, and based on the repairs required, would either do the work or alternatively deliver the vehicles to repair shops which were more qualified to do the repairs. This was done in order to make insure that the vehicles were in excellent condition prior to being placed on Omer's used car lot for sale. Omer operated a business at 4002 Farmview Avenue, Louisville, Kentucky 40218, known as Cobra Motors, LLC. He was unaware that the lot had to be striped until he was contacted by a representative of the Louisville Metro Planning Commission.

iii. Prior to being contacted by this representative, he had purchased numerous vehicles for repair and resale at his used car lot. Unfortunately the market took a down turn and vehicles on his car lot did not sell quickly. As such he had no place to put them on the used car lot and did not attempt to repair them until he had a place for them on his car lot. This gave the appear and these vehicles were simply there not awaiting repair which was contrary to the actual circumstance. When he was contacted about this and advised that he had to have his vehicles sitting on the asphalt, he tried to comply with these conditions, but had too many vehicles. He sold numerous vehicles, sustaining significant losses in an effort to reduce the number of vehicles that he had planned to repair and subsequently resell. He did this very slowly as he had hoped he would have been in a position to simply remove the vehicles and place them with other repair shops as the repairs were more complicated, i.e., the replacement of engines and transmissions were required on several of these vehicles.

iv. In any event Omer slowly got rid of a number of vehicles and brought in someone to stripe the lot pursuant to the directions of the representative of the Louisville Metro Planning Commission. After restriping the lot, he then placed on the vehicles to be repaired in each specific striped parking spot.

v. The Commission found that the Petitioners violated Binding Element Number 2 which required that the subject site was limited to auto sales and repairs. Omer used this lot to store vehicles which would be repaired on site or alternatively if a more complicated repair was required, it would be forwarded to a more appropriate repair shop.

vi. In addition the Commission found that the Petitioners violated Binding Element Number 1 which required the site to be paved and striped.

Omer has striped this lot and has placed vehicles in each particular designated parking area as evidenced by the photographs which are attached.

Based on the enclosed photographs it is respectfully requested that the Louisville Metro Planning Commission reconsider its decision of July 15, 2014.

Respectfully submitted,

AIRHART & ASSOCIATES



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon the following by U.S. Mail, on this 8th day of AUGUST, 2014:

Ms. April Robins
Code Enforcement Supervisor
Department of Codes & Regulations
444 South Fifth Street, Suite 200
Louisville, Kentucky 40202

John G. Carroll
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